

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES AND ENERGY

Call to Order: By **CHAIRMAN GREG LIND**, on March 28, 2007 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Greg Lind, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Kelly Gebhardt (R)
Sen. Dan Harrington (D)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused: None.

Members Absent: None.

Staff Present: Claudia Johnson, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 583, 3/21/2007; HB 611,
3/21/2007; HJ 24, 3/21/2007; HB
728, 3/19/2007; HJ 34, 3/21/2007;
HJ 40, 3/21/2007; HJ 5, 3/19/2007;
Executive Action: HJ 24, HJ 40, HJ 34, HB 728, HJ 5

00:02:13 Chairman Lind

HEARING ON HB 583

Opening Statement by Sponsor:

00:04:26 **REP. MIKE JOPEK (D), HD 4**, opened the hearing on **HB 583**, Revise opencut mining law.

Proponents:

00:05:35 Mike Kakuk, Attorney, Montana Contractors' Association

00:06:22 Steve Welch, Department of Environmental Quality (DEQ)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:07:16 Sen. Lind to Rep. Jopek

00:09:41 Sen. Lind to Steve Welch, DEQ

Closing by Sponsor:

00:12:54 Rep. Jopek

HEARING ON HB 611

Opening Statement by Sponsor:

00:14:59 **REP. HAL JACOBSON (D), HD 82**, opened the hearing on **HB 611**, Revise laws related to telecommunications access services.

Proponents:

00:20:15 Geoff Feiss, General Manager, Montana Telecommunications System (MTS)

00:24:05 Ron Osberg, Montana Independent Telecommunications Systems

00:24:49 Sarah Eyer, Self

00:26:51 Ron Bibler, Hearing Impaired, Certified Financial
Planner, Great Falls

EXHIBIT (nas66a01)

00:32:12 Dennis Lopach, Tracfone

00:37:55 Linda Pouliot, Hearing Impaired, Hairdresser

EXHIBIT (nas66a02)

Opponents: None.

Informational Testimony:

00:39:48 Lee Baerlocher, Department of Revenue (DOR)

00:39:58 Connie Phelps, Director, Montana Telecommunications
Access Program, Department of Public Health and Human
Services (DPHHS)

Questions from Committee Members and Responses:

00:40:32 Sen. Wanzenried to Dennis Lopach, Tracfone

00:41:22 Sen. Wanzenried to Rep. Jacobson

00:41:57 Sen. Lind to Rep. Jacobson

00:42:24 Sen. Lind to Connie Phelps, DPHHS

00:42:39 Sen. Lind to Geoff Feiss, MTS

00:43:23 Sen. Lind to Lee Baerlocher, DOR

Closing by Sponsor:

00:44:09 Rep. Jacobson

HEARING ON HJ 24

Opening Statement by Sponsor:

00:48:16 **REP. BETSY HANDS (D), HD 99**, opened the hearing on **HJ 24**, Urge ban of exportation of elemental mercury.

Proponents:

00:54:28 Erin Thompson, Women's Voices for the Earth (WVE)

00:57:39 Anne Hedges, Montana Environmental Information Center (MEIC)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:58:28 Sen. Gebhardt to Erin Thompson, WVE

Closing by Sponsor:

01:00:10 Rep. Hands

EXECUTIVE ACTION ON HJ 24

01:01:37 Sen. Kaufmann

01:02:13 **Motion:** **SEN. KAUFMANN** moved that HJ 24 BE CONCURRED IN.

Discussion:

01:03:11 Sen. Gebhardt

01:03:31 Sen. Lind

01:03:42 **Sen. Kaufmann** withdrew her motion.

HEARING ON HB 728

Opening Statement by Sponsor:

01:04:23 **REP. BILL MCCHESENEY (D), HD 40**, opened the hearing on **HB 728**, Expedite application review for permits.

Proponents:

01:06:32 Evan Barrett, Economic Development, Governor's Office

01:11:00 Tom Livers, Deputy Director, DEQ

01:13:39 Todd O'Hair, Rio Tinto Energy

01:15:01 Debbie Shea, Montana Mining Association

01:16:15 Bud Clinch, Montana Coal Council

01:16:46 Cary Hegreberg, Montana Contractors Association

01:17:59 Candace Payne, Southern Montana Electric Generation and Transmission Cooperative, Inc.

01:18:47 Dave Galt, Executive Director, Montana Petroleum Association

01:19:02 Don Allen, Western Environmental Trade Association (WETA)

01:20:00 Leo Berry, Attorney, Bull Mountain Development and Great Northern Development

Opponents:

01:20:39 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony: None.

Questions from Committee Members and Responses:

01:26:12 Sen. Perry to Tom Livers, DEQ

01:28:19 Sen. Lind to Tom Livers, DEQ

01:29:34 Sen. Wanzienried to Rep. McChesney

01:32:17 Sen. Wanzenried to Tom Livers, DEQ

01:33:04 Sen. Kaufmann to Tom Livers, DEQ

01:34:44 Sen. Curtiss to Tom Livers, DEQ

01:35:58 Sen. Lind to Tom Livers, DEQ

01:36:43 Sen. Lind to Evan Barrett, Governor's Office

01:37:30 Sen. Lind to Tom Livers, DEQ

Closing by Sponsor:

01:38:09 Rep. McChesney

HEARING ON HJ 34

Opening Statement by Sponsor:

01:41:44 **REP. KENDALL VAN DYK (D), HD 49**, opened the hearing on
HJ 34, Urge protection of Big Horn River.

Proponents:

01:43:42 Larry Peterman, Chief of Field Operations, FWP

EXHIBIT(nas66a03)

01:45:35 Robert Throssell, Montana Wildlife Federation

01:45:59 Mike Murphy, Montana Water Resource Association(MWRA)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

01:46:53 Rep. Van Dyk

01:49:20 Chairman Lind

01:49:25 Sen. Kaufmann, Chair

HEARING ON HJ 40

Opening Statement by Sponsor:

01:49:28 REP. JONATHAN WINDY BOY (D), HD 32, opened the hearing on HJ 40, Urge Congress to prioritize regional water projects.

Proponents:

01:51:32 Steve Wade, North Central Resource Water Association

01:52:19 Anna Miller, Department of Natural Resources and Conservation (DNRC)

01:52:50 Mike Murphy, Montana Water Resource Association (MWRA)

01:53:35 Pat Torgerson, Self

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

01:54:22 Rep. Windy Boy

EXHIBIT (nas66a04)

EXECUTIVE ACTION ON HJ 40

01:56:09 **Motion/Vote:** SEN. GEBHARDT moved that HJ 40 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. LIND, SEN. WANZENRIED and SEN. TASH voted by proxy.

EXECUTIVE ACTION ON HJ 34

01:57:27 **Motion/Vote:** SEN. GEBHARDT moved that HJ 34 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. WANZENRIED, SEN. LIND and SEN. TASH voted by proxy.

EXECUTIVE ACTION ON HB 728

01:57:51 **Motion:** SEN. GEBHARDT moved that HB 728 BE CONCURRED IN. SEN GEBHARDT withdrew his motion.

HEARING ON HJ 5

Opening Statement by Sponsor:

01:58:31 **REP. MICHAEL LANGE (R), HD 55,** opened the hearing on **HJ 5,** Urge support for Montana Missouri River water rights.

Proponents:

02:00:27 Larry Peterman, Chief of Field Operations, FWP

02:02:58 Mike Murphy, Montana Water Resource Association

02:03:26 Pat Torgerson, Women Involved in Farm Economics (WIFE)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

02:06:29 Sen. Tash to Rep. Lange

Closing by Sponsor:

02:06:58 Rep. Lange

EXECUTIVE ACTION ON HJ 5

02:08:22 **Motion/Vote:** SEN. GEBHARDT moved that HJ 5 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. WANZENRIED and SEN. LIND voted by proxy.

ADJOURNMENT

Adjournment: 5:35 P.M.

SEN. GREG LIND, Chairman

CLAUDIA JOHNSON, Secretary

GL/cj

Additional Exhibits:

EXHIBIT ([nas66aad.pdf](#))